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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,484	07/22/2003	Peter T. Tuite	1342/9	9124

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EXAMINER	
PALABRICA, RICARDO J	

ART UNIT	PAPER NUMBER
3641	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/625,484	TUITE ET AL.	
	Examiner	Art Unit	
	Rick Palabrica	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-19,22,24-26 and 28-84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-5,8-19,22,24-26 and 28-84* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

   I. Claims 1-5, 7-19, 22, 24 and 35-67, drawn to a **process of using** (a container), classified in class 376, subclass 260.

   II. Claims 25, 26, 28-32 and 68-87, drawn to a **product** (a container), classified in class 376, subclass 272.

   III. Claims 33 and 34, drawn to a **process of making** (a container), classified in class 250, subclass 506.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product can be fully fabricated and assembled on-site (i.e., at the reactor site) instead of partially fabricating the components off-site and assembling them on-site.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of

using that product (MPEP § 806.05(h)). In the instant case, the product can be used to transport low-level waste generated from the plant, e.g., contaminated tools, clothing, gloves, etc., to an off-site location.

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as for fabricating a tank to store liquids for reactor use, e.g. demineralized water. See MPEP § 806.05(d).

Furthermore, a three-way restriction requirement can be made for Inventions I, II and III under 37 CFR 1.141 because the process of making is distinct from the product, as discussed above. See also MPEP 806.05(i).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for either one of Group II or Group III, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this invention election requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. If invention I is elected, Applicant is required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears generic to this group.

- A: Wherein the process uses a container to transport a reactor pressure vessel head with attached control rod drive mechanisms (e.g., see claims 1-5, 7-19, 22 and 24).
- B: Wherein the process uses a container to transport a reactor pressure vessel head with attached control rods (e.g., see claims 35-67).

3. If embodiment B is elected, Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species of the location where assembly of the multi-component container is performed (e.g., see claims 37, 38, 63 and 65). This additional requirement is to facilitate examining due to the diverse locations disclosed as suitable.

4. If embodiment B is elected, Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species of the protective cover (e.g., see claims 59 and 60).

This additional requirement is to facilitate examining due to the diverse cover means disclosed as suitable.

5. If embodiment B is elected, Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species of where covering with a protective cover is performed (e.g., see claims 62 and 64). This additional requirement is to facilitate examining due to the diverse locations of covering operation disclosed as suitable.

6. If invention II is elected, Applicant is required under 35 U.S.C. 121 to elect one of the following disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears generic to this group.

- C: Wherein the container is a plurality of partial circular sections attached to each other (e.g., see claims 25, 26 and 28-32).
- D: Wherein the container is at least one cylindrical component (e.g., see claims 68-87).

7. If embodiment D is elected, Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species of the seal (e.g., see claim 75). This additional requirement is to facilitate examining due to the diverse seal materials disclosed as suitable.

8. If embodiment D is elected, Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species of the cross section of the at least a portion of the container (e.g., see claims 78 and 79). This additional requirement is to facilitate examining due to the diverse cross sections disclosed as suitable.

9. Applicant is advised that a reply to the species election requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 703-306-5756. The examiner can normally be reached on 6:30-5:00, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RPalabrica

RJP
October 25, 2004